

APPLICATION FOR

**DISTRICT COURT JUDGESHIP
4th Judicial District**

A. PERSONAL INFORMATION

1. Full Name: **Barbara Leslie Halligan**
 - a. What name do you commonly go by? **“Leslie” or B. Leslie Halligan**
2. Birthdate: [REDACTED] Are you a U.S. citizen? Yes.
3. Home Address: [REDACTED]
Phone: [REDACTED]
4. Office Address: **Missoula County Courthouse, 200 West Broadway, Missoula, MT 59802**
Phone: **(406) 258-4742**
5. Length of residence in Montana: **Approximately forty-eight (48) years.**
6. List your place of residence for the last five years:

<u>Dates</u>	<u>City</u>	<u>State</u>
July 1979 to present	Missoula	Montana

B. EDUCATIONAL BACKGROUND

7. List the names and location of schools attended, beginning with high school:

<u>Name</u>	<u>Location</u>	<u>Date of Degree</u>	<u>Degree</u>
Greybull High School	Greybull, WY	May 1979	High School Diploma
University of Montana	Missoula, MT	June 1983	Bachelor of Arts, Political Science, Major; Economics, Minor
University of Montana School of Law	Missoula, MT	June 1986	Juris Doctorate

8. List any scholarships, awards, honors and citations that you have received:

- ***Law related:* Western Montana Bar Association, Public Service Award, 1999; State Bar of Montana, Pro Bono Service Award, 1992.**
- ***Community:* Montana Credit Union Network, Mitch Reed Volunteer of the Year, 2007.**
- ***Scholarships and Honors:* Harry S. Truman Scholar from Montana, 1981; University of Montana Senior Honor Societies: Mortar Board, Penetralia Chapter, and Silent Sentinel; German Embassy Student Ambassador in Germany, 1981; Greybull High School Valedictorian, 1979; Wyoming Superior Student Scholarship, 1979; Century III Leader Award, National Association of Secondary School Principals funded by Shell Oil Company, 1979; Edison Scholar, 1978; Wyoming Girls' State and Wyoming Delegate to Girls' Nation, 1978.**

9. Were you a member of the Law Review? If so, please state the title and citation of any article that was published and the subject area of the article.

No.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

10. List all courts (including state and federal bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case.

<u>Court or Administrative Body</u>	<u>Date of Admission</u>
Supreme Court & Courts of Montana	2/17/1987
United States District Court, District of Montana	5/18/1988

11. Indicate your present employment (list professional partners or associates, if any).

- ***Standing Master, State of Montana: Fourth Judicial District Court, Missoula and Mineral Counties; hired September 2012.***
- ***Adjunct Professor, University of Montana School of Law: Child Advocacy Law, Spring 2015.***

12. State the name, dates and addresses of all law firms with which you have been associated in practice, all governmental agencies or private business organizations in which you have been employed, periods you have practiced as a sole practitioner, and other prior practice:

<u>Employer's Name</u>	<u>Position</u>	<u>Dates</u>
State of Montana	Standing Master, Fourth Judicial District Court	September 2012 -present
Missoula County	Deputy County Attorney	March 1991 -September 2012
City of Missoula	Deputy City Attorney	January 1990 -February 1991
Fourth Judicial District Court	Law Clerk District Judge Douglas Harkin	May 1987 -January 1990

13. If you have not been employed continuously since the completion of your formal education, describe what you were doing.

Not applicable.

14. Describe the nature of your present law practice, listing the major types of law that you practice and the percentage each constitutes of your total practice.

As a Standing Master in the Fourth Judicial District Court, I am referred and manage approximately 150 cases at any time, many involving self-represented litigants. I preside over domestic relations cases (dissolution, parenting, child support) in Missoula and Mineral Counties referred by District Court Judges Ed McLean and Karen Townsend (80% of my cases); conduct Intervention Conferences for Dependency Cases filed with District Court Judges McLean, Townsend and Deschamps (15%); and preside over guardianship and involuntary commitment cases, juvenile detention hearings, and criminal bond settings (5%). I also have presided over several domestic relations cases in Lincoln County for Judge James Wheelis.

15. List other areas of law in which you have practiced, including teaching, lobbying, etc.

Office of Public Instruction (By contract)	Special Education Hearing Officer and Mediator	March 1992-November 2014
University of Montana School of Law Adjunct Professor	Child Advocacy Law Juvenile Justice	Spring Semesters 2004-2015 Fall Semester 2014
Confederated Salish & Kootenai Tribes	Special Prosecutor Child Abuse and Neglect	April 2004-June 2008
Montana Department of Justice Child Protection Unit	Special Prosecutor Child Abuse & Neglect	February 2001-June 2001
Missoula Vo-Tech (Now Missoula College)	Paralegal Instructor Legal Writing III, Trial Preparation	Spring Semesters, 1990, 1992
Better Business Bureau	Arbitration Coordinator Auto Line Program	June 1988 – October 2001
UM Law School/ Montana Defender Project	Legal Assistant for Clinical Program	May 1986-May 1990
Missoula County Attorney	Legal Intern	January 1987 – April 1987 December 1984-January 1986
Ellingson & Moe, Attorneys Missoula, MT	Legal Intern	January 1986 – April 1986

**Montana Criminal Law
Information Research Center
Missoula, MT**

Legal Researcher

June 1984-June 1986

Montana Legislative Council

**Legislative Intern
(Through UM Political
Science Department)**

January-April 1983

16. If you specialize in any field of law, what is your specialty?

I specialize in the following fields of law: Family Law; Involuntary Commitments; Juvenile Delinquency; Child Abuse, Neglect and Dependency; Special Education Law; Guardianship and Conservatorship; Child Support.

17. Do you regularly appear in court?

Yes. As a Standing Master, I regularly preside over cases in District Court. As a Deputy County Attorney, I regularly appeared in District Court, including Juvenile Drug Court and Co-Occurring Treatment Court.

What percentage of your appearance in the last five years was in:

Federal court	<u> %</u>
State or local courts of record	<u> 98%</u>
Administrative bodies	<u> 2%</u>
Other	<u> %</u>

18. During the last five years, what percentage of your practice has been trial practice? **60%**

19. How frequently have you appeared in court? **30** times per month on average.

20. How frequently have you appeared at administrative hearings? **<1** time per month on average.
The Due Process Hearings that I conduct are administrative hearings.

21. What percentage of your practice involving litigation has been:

Civil	<u> 98%</u>
Criminal	<u> 2%</u>
Other	<u> %</u>

22. Have you appeared before the Montana Supreme Court within the last five years? If so, please state the number and types of matters handled. Include the case caption, case citation (if any), and names addresses and phone numbers of all opposing counsel for the five most recent cases.

Not within the past five years.

23. State the number of jury trials that you have tried to conclusion in the last ten years.

I served as co-counsel in one (1) jury trial for a felony criminal case within the last ten years; all other jury trials were earlier in my career.

24. State the number of non-jury trials that you have tried in the last ten years. **200 or more.**

25. State the names, addresses and telephone numbers of adversary counsel against whom you have litigated your primary cases over the last two years. Please include the caption, dates of trial, and the name and telephone number of the presiding judge. If your practice does not involve litigation, give the same information regarding opposing counsel and the nature of the matter.

I have not litigated cases in the last two years because of my position as Standing Master. While at the Missoula County Attorney's Office, Public Defenders or conflict defense attorneys assigned by the Office of Public Defender usually served as opposing counsel in my assigned cases.

26. Summarize your experience in adversary proceedings before administrative boards or commissions during the last five years.

None in the last five years.

27. If you have published any legal books or articles, other than Law Review articles, please list them, giving citations, dates, and the topics involved. If you lectured on legal issues at continuing legal education seminars or otherwise, please state the date, topic and group to which you spoke.

- ***Adjunct Professor, University of Montana School of Law: Child Advocacy Law, Spring 2004-2015; lecture on variety of legal topics involving rights of children and families and related Montana law, class consists of second and third year law students; Juvenile Justice, Fall 2013, lecture on legal and policy issues involving youth in juvenile justice system, class consists of second and third year law students.***
- ***Montana County Attorney's Annual Convention: Law and Procedures Involving Involuntary Commitments, July 2008.***
- ***The Mental Health Crises: a Panel Discussion; Montana Neurosciences Foundation Public Lectures Series, St. Patrick Hospital, Missoula, topic: Mental Health Commitment in Montana; April 20, 2004.***

D. PROFESSIONAL AND PUBLIC SERVICE

28. List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office that you have held in such groups and committees to which you belong. These activities are limited to matters related to the legal profession. List the dates of your involvement.

- ***State Bar of Montana: Board of Trustees, Area B Trustee, 2010-15; Board Chair, 2014-15;***
- ***Women's Law Section: Member; President 1994-97;***
- ***Western Montana Bar Association: Member; President 1993-94.***

29. List organizations and clubs, other than bar associations and professional societies, of which you have been a member during the last five years. Please state the title and date of any office that you have held in each organization. If you held any offices, please describe briefly your activities in the organization.

Current:

- ***Missoula Federal Credit Union: Board Member; Chair 1998-2004; Vice-Chair, 1996-1997, 2005-2008; hire and supervise CEO, review and approve policies, plan strategic direction, oversee financial policies and procedures;***
- ***Missoula Aging Services: appointed by Missoula County Commissioners in 2012;***
- ***Order of the Eastern Star: Immanuel Chapter #54;***
- ***Daughters of the Nile.***

Former:

- ***Western Montana Addiction Services: Board Member;***
- ***Montana Historical Society: Board Member;***
- ***Montana Credit Union Advocacy Council: Board Member;***
- ***Missoula Big Brothers Big Sisters: Board Member;***
- ***Boy Scouts of America, Montana Council: Troop 1911, Popcorn Committee Chair.***

30. Have you ever run for or held public office? If so, please give the details.

No.

E. PROFESSIONAL CONDUCT AND ETHICS

31. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, give the particulars.

No.

32. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, please explain.

No.

33. Have you ever been arrested or convicted of a violation of any federal law, state law, county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violations unless they also included a jail sentence.

No.

34. Have you ever been found guilty or liable in any civil or criminal proceedings with conduct alleged to have involved moral turpitude, dishonesty and/or unethical conduct? If so, please give details.

No.

35. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the Commission, the Governor or the Montana Supreme Court would affect adversely your qualifications to serve on the court for which you have applied? If so, please explain.

No.

F. BUSINESS AND FINANCIAL INFORMATION

36. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, please give details, including dates.

- ***Special Education Due Process Hearings Officer and Mediator: Montana Office of Public Instruction; contracted to conduct mediations in special education disputes; contracted to preside over Due Process Hearings under the Individuals with Disabilities Education Act; 1992-2014.***
- ***University of Montana, Adjunct Law Professor: prepare courses, teach and evaluate second and third year law students; Child Advocacy, Spring Semesters 2004-2015, and Juvenile Justice, Fall Semester 2014.***
- ***Better Business Bureau Auto Line Coordinator; manage national arbitration program in Montana, coordinate training of volunteer arbitrators, assign arbitrators and supervise arbitrations involving consumer automotive disputes with national automobile manufacturers, 1988-2001.***

37. If you are an officer, director, or otherwise engaged in the management of any business, please state the name of the business, its nature, and the nature of your duties. If appointed as a district court judge, state whether you intend to resign such position immediately upon your appointment.

- ***Missoula Federal Credit Union: hire and supervise CEO, review and approve policies, plan strategic direction, oversee financial policies and procedures; Director, 1990-present; Chair 1998-2004; Vice-Chair, 1996-1997, 2005-2008.***
- ***Missoula Aging Services: review and approve Board policies, procedures, programs; Director, 2012-present.***
- ***Crestwood Condominium Owners Association: develop, review and approve Board policies and procedures, oversee management company and finances; Director, 2010-present; President 2013-present.***

I will resign from any of these positions if necessary to serve as a District Court Judge.

38. State whether during the last five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise or organization. If so, please identify the source and the approximate percentage of your total income it constituted over the last five years.

I am compensated for my teaching as an Adjunct Professor at the University of Montana, School of Law. I receive compensation for my work with the Office of Public Instruction, but

the assignment of cases varies greatly from year to year. This income constituted approximately 5% to 10% of my total income.

I receive reimbursement for actual travel expenses associated with my service on the Missoula Federal Credit Union Board of Directors, the State Bar Board of Trustees, and receive reimbursement for travel expenses and \$50 per diem for my service on the Board of Directors for Crestwood Condominium Owners Association. While appointed to the Montana Historical Society Board of Trustees, I received reimbursement for actual travel expenses and \$50 per diem. These reimbursements constituted less than 1% of my total income.

39. Do you have any personal relationships, financial interests, investments or retainers that might conflict with the performance of your judicial duties or which in any manner or for any reason might embarrass you? If so, please explain.

No.

40. Have you filed appropriate tax returns as required by federal, state, local and other government authorities?

Yes.

41. Do you have any liens or claims outstanding against you by the Internal Revenue Service (IRS)?

No.

42. Have you ever been found by the IRS to have willfully failed to disclose properly your income during the last five years? If so, please give details.

No.

43. Please explain your philosophy of public involvement and practice of giving your time to community service.

As I was preparing to graduate from high school, a school counselor questioned why I devoted so much time to school, community and state activities, remarking that my efforts would have no lasting impact. While the message was uninspiring, it prompted me to reflect on my future and ignited my passion for public involvement and service. For me, engaging in public service provides new experiences, and opportunities for social, educational and personal growth, while working with others to achieve a common goal. I find great truth in Nelson Mandela's belief that "[w]hat counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead."

My involvement in high school and community organizations for youth development, leadership and student government contributed to the development of my passion for public

service. In college, my zeal for public involvement was recognized with the award of a Harry S. Truman Scholarship, which opened the door for law school and bolstered my career in public service. My work as a Deputy County Attorney provided me with the opportunity to help individuals, families and children in crisis, while gaining invaluable education and experience working with other professionals and community leaders.

I look forward to new challenges and opportunities to serve as a District Court Judge, while advancing justice and working to confront, reconcile and resolve legal issues of great consequence to individuals in the justice system.

G. WRITING SKILLS

44. In the last five years, explain the extent to which you have researched legal issues and drafted briefs. Please state if associates or others have generally performed your research and the writing of briefs.

I regularly perform my own legal research and prepare written court documents. In disputed parenting and dissolution cases, legal counsel may submit proposed findings of fact and conclusions of law and orders, but because of the advocacy-oriented focus of these submissions, my final orders usually contain substantive revisions. The judges who refer these cases do not review or revise my decisions, unless a party invokes legal review by filing a written objection.

45. If you have engaged in any other types of legal writing in the last five years, such as drafting documents, etc., please explain the type and extent of writing that you have done.

As a Standing Master, I regularly prepare Findings of Fact, Conclusions of Law and Orders related to dissolutions, parenting plans, child support, contested motions, and other documents necessary for the orderly resolution of these cases.

As a Special Education Hearings Officer, I prepare procedural orders and final decisions; and as a mediator, I collaborated with parties to draft settlement agreements.

As a Deputy County Attorney, I drafted petitions and related documents; motions; briefs; responses to motions; stipulations and proposed orders primarily in civil cases (abuse, neglect and dependency; juvenile delinquency; involuntary commitment) and some criminal cases.

46. Please attach a writing sample of no more than ten pages that you have written yourself. A portion of a brief or memorandum is acceptable.

Attached is a condensed portion of a domestic relations order (without identifying information), which I prepared in a case that involved self-represented litigants.

47. What percentage of your practice for the last five years has involved research and legal writing?

As a Deputy County Attorney, approximately 10% of my work involved research and legal writing. As a Standing Master, approximately 40% of my work consists of research and legal writing.

48. Are you competent in the use of Westlaw and/or Lexis?

Yes. I am proficient in the use of both Westlaw and Lexis. I routinely use Lexis as a Standing Master. I use and have instructed law students in the use of Westlaw.

H. MISCELLANEOUS

49. Briefly describe your hobbies and other interests and activities.

As a Montanan, our family spends summers traveling, camping, fishing and boating in the western states. With three sons in Scouting, my outdoor activities include tenting, canoeing, floating, fishing, hiking and summer camp. I enjoy golfing, Pilates, yoga, and an occasional “fun” triathlon. I attend sporting events, music and theater performances. At home, I enjoy cooking, baking, reading, crafts, photography and do-it-yourself projects, when time permits. I am a member of Holy Spirit Episcopal Church.

50. Describe the jobs that you have held during your lifetime.

➤ ***Standing Master, Court Administrators Office, State of Montana.***

Preside over District Court cases involving dissolutions, parenting actions, guardianships; collaborate with courts in other jurisdictions, tribal courts, courts of limited jurisdiction; serve as judge pro tempore in involuntary commitment cases; schedule and conduct intervention conferences in cases involving child abuse, neglect and dependency; conduct Parenting Plan Orientation; preside over bail hearings in adult and juvenile cases; assigned as settlement master in civil cases.

➤ ***Adjunct Professor, University of Montana School of Law.***

As an Adjunct Professor teaching Child Advocacy Law, students are instructed in law and public policy affecting children and families, and evolving legal issues, e.g. parenting by same-sex couples, third-party custody rights, child abuse and neglect, issues involving Indian children and minorities, extension of constitutional rights to children (freedom of speech, drug testing in schools), gangs, school violence, bullying, exploitation, the mature minor doctrine.

➤ ***Due Process Hearing Officer and Mediator.***

As a Due Process Hearing Officer and Mediator, I preside over, or mediate, disputes involving special education complaints under the Individuals with Disabilities in Education Act (IDEA), initiated by parents, school districts or students.

➤ ***Senior Deputy County Attorney, Missoula County.***

As a Senior Deputy County Attorney for Missoula County, my job duties varied in my more than twenty-year career:

- ❖ ***Child Abuse, Neglect and Dependency:*** Provided legal representation to the Department of Public Health and Human Services, Child and Family Services, in cases involving child abuse and neglect, in cases requiring the appointment of a surrogate parent; and to Adult Protective Services, in cases involving incapacitated and exploited adults.

- ❖ ***Involuntary mental health and developmental disability commitments:*** Responsible for involuntary commitment cases, annual average of 100 cases; collaborated with mental health and other professionals; accepted emergency calls from law enforcement and mental health professionals 24 hours a day, 7 days a week; conducted non-jury and jury trials; advised families in crisis.
 - ❖ ***Juvenile Delinquency:*** Responsible for review and filing of formal juvenile delinquency petitions and petitions to revoke in Youth Court and complaints charging youth as adults in District Court; managed cases through disposition; coordinated the Juvenile Detention Alternatives Initiative, a national initiative sponsored by the Annie E. Casey Foundation, which promotes programs to safely reduce reliance on secure confinement and strengthen juvenile justice systems.
 - ❖ ***Public Administrator:*** Served as acting Public Administrator, overseeing estate and probate cases; occasionally served as court-appointed guardian, conservator, or appointed as social security payee for at-risk or disabled individuals.
 - ❖ ***Miscellaneous:*** Consulted with Deputy County Attorneys handling criminal cases on issues involving mental illness; reviewed interstate cases involving child support. As a legal intern, I prosecuted cases in Justice Court, including jury and non-jury trials involving driving while under the influence, misdemeanor and traffic offenses.
- ***Special Prosecutor, Confederated Salish & Kootenai Tribes.***
Represented Tribal Social Services in the Confederated Salish & Kootenai Tribal Court in a child abuse and neglect case, because of conflict in Tribal Prosecutor's Office, which resulted in termination of parental rights and an appeal to the Tribal Appellate Court.
 - ***Special Prosecutor, Department of Justice, Child Protection Unit.***
Prosecuted child abuse and neglect cases assigned by the Child Protection Unit, including a contested termination hearing in Butte-Silver Bow County.
 - ***Instructor, Missoula Vocational Technical College, now Missoula College.***
Provided instruction to Paralegal students at the Missoula Vo-Tech in legal writing and trial preparation.
 - ***Auto Line Program Coordinator in Montana, Better Business Bureau.***
Administered the "Auto Line Program," a dispute resolution program established by the Better Business Bureau to resolve consumer vehicle complaints against national vehicle manufacturers. My duties included coordinating training for volunteer arbitrators, scheduling and overseeing arbitrations throughout Montana.

- ***Deputy City Attorney, City of Missoula.***
Prosecuted cases in Municipal Court, including jury and non-jury trials involving driving while under the influence, misdemeanor and traffic offenses.; provided legal counsel to city departments, as necessary.
- ***Law Clerk for District Court Judge Douglas Harkin.***
Assigned clerking duties, legal research and writing, reviewed files, prepared orders for review and revision; observed hearings conducted by Judge Harkin, including one of the Montana State Prison riot cases.
- ***University of Montana, School of Law, Montana Defender Project.***
Supervised clinical law students assigned to represent Montana State Prison inmates at Sentence Review Hearings, assisted students with legal presentations, transported and supervised students while visiting MSP.
- ***Employment during Law School:***
 - ***Montana Criminal Law Information Research Center:*** researched criminal law questions referred to the center, prepared opinions.
 - ***Moot Court Team:*** clerical assistance.
 - ***Professor Bill Corbett:*** edited arbitration decisions.
 - ***Student instructor, Westlaw:*** trained law students in use of Westlaw.
 - ***Ellingson & Moe, Attorneys:*** legal Intern, assigned legal research and writing.
- ***Employment during College:***
 - ***University Publications and Media Relations:*** Photographer for university publications (provided practical experience and income while completing journalism courses).
 - ***Many Glacier Lodge, Glacier Park:*** maid, part-time restaurant server.
- ***Employment during High School:***
 - ***Greybull, Wyoming, Swimming Pool:*** Lifeguard and swimming instructor.

51. Please identify the nature and extent of any pro bono work that you have personally performed during the last five years.

My positions as a Deputy County Attorney and as a Standing Master prohibit me from accepting pro bono cases. I serve the community through non-profit board service and involvement in other working groups, and the legal community through my participation on the State Bar Board of Trustees.

52. In the space provided, please explain how and why any event or person has influenced the way you view our system of justice.

As a law clerk for District Court Judge Douglas Harkin, I experienced the law at work. Judge Harkin established a foundation for my legal development, taking time to review and explain cases, helping me sift through complex situations to determine salient facts, and demonstrating the process of analyzing and distinguishing cases to apply the law fairly and to explicate all of this in a clearly written, reasoned decision. Judge Harkin had command of his courtroom, yet provided litigants with a clear understanding of the legal process and the opportunity to voice their concerns. In addition, my work experiences “in the trenches” on difficult dependency, delinquency, guardianship and involuntary commitment cases, and now with self-represented litigants in domestic relations cases, have profoundly influenced my views of our system of justice and my part in it.

While serving as a public attorney, I learned of my broad authority and discretion, and significant responsibilities. Technical application of the law was easy compared to the challenges of applying reasoned judgment in the face of complex, often sensitive and contentious factual situations. Balancing the interests of the state with the rights of individuals demands rigorous thought and measured compassion. My leadership, interpersonal skills and emotional intelligence enhanced my ability to work in crisis situations, collaborate with mental health and medical professionals, and support families.

By fostering two daughters and a son and providing respite care to other children, I gained first-hand knowledge of the challenges confronting families and children, the feelings of loss and abandonment, and the impact of agency and judicial decisions. These experiences inspired me to educate and train myself and others on meaningful improvements to the dependency and delinquency systems, so to more effectively serve the interests of youth, families and communities. Our system of justice must adapt to improve access to justice, the delivery of justice, and the public’s perception of justice.

53. In the space provided, explain the qualities that you believe to be most important in a good district court judge.

Judicial officers must embody the highest level of ethics, integrity, trustworthiness, intelligence, perception, conscientiousness, patience, courage, neutrality, humility, energy, common sense, decisiveness, resourcefulness, diligence, confidence, physical stamina, emotional resilience, a sense of humor and even temperament. These core values should be complemented and reinforced by the following traits: (1) passion for the work, day in and day out; (2) ambition and ability to work very hard; (3) commitment to justice and the rule of law; (4) ease at being the face of justice, ensuring a fair process and a just outcome for each case; (5) ability to treat others with respect; (6) ability to communicate effectively, both orally and in writing, which requires attentive listening and customizing communications to different contexts and audiences, while adhering to both legal and professional standards; (7) ability to identify relevant facts and legal issues, research the law, and use techniques of legal reasoning, case analysis and statutory interpretation in order to make reasoned decisions; (8) core knowledge of procedural and substantive law in the broad areas of the law that most regularly involve the district court; (9) executive capacities, including managing and prioritizing cases and tasks, anticipating case and workload demands, delegating and managing support staff, and budgeting resources; (10) professionalism, exercising independent professional judgment and setting clear boundaries; (11) ease at being a “solo” public figure, immune from the pressures and expectations of friends, family or others; (12) facile use of changing technologies, leveraging technology to improve case management and processing; (13) ability to keep good physical health including healthy strategies to manage stress and balance work-life demands; and (14) ability to react calmly under pressure and in unforeseen, challenging or critical situations.

54. In the space provided, explain how a court should reach the appropriate balance between establishment of a body of precedent and necessary flexibility in the law.

Justice is administered most effectively when the law is ascertainable and applied consistently and fairly, but not unreasonably harshly. A court first must look to established law, as delineated in statute or case law. When established law is ambiguous or non-existent, a court should be informed by legislative intent and judicial interpretations. The law is developed by extending the principles underlying cases by analogy to specific case facts to achieve law which is clear, understandable, capable of being followed, and consistent within and across different areas. In absence of precedent, a judge must achieve a decision that meets and reflects the changed institutions and conditions in society, but remains consistent with established law. A judge must exercise caution when making decisions that represent changes in established law and always must refrain from imposing a personal “agenda” or preconceived view as to the correct outcome of a case.

I have experience balancing competing interests in my own work and analogizing legal principles to address nuanced factual scenarios, as well as researching legislative history. I recognize the importance of judicial restraint, adherence to precedent, and the need to maintain consistency and predictability in the law.

55. In the space provided, state the reasons why you are seeking office as a district court judge.

My goals in seeking appointment as a district court judge are to apply my academic, legal and personal experience to fairly and effectively resolve complex and diverse legal issues; to lead and collaborate with others to improve efficiencies and enhance judicial processes; to apply evidence-based practices to improve decision-making and outcomes; and to administer justice while being sensitive to the interests and needs of individuals, attorneys, victims, youth, the disabled, the accused and the public.

I have the energy, experience, education, character and skills necessary to serve as a fair and effective jurist. As a Standing Master, I have demonstrated the ability to exercise reasoned judgment, be decisive, and enjoy the work despite the constant flow of cases, often unhappy factual situations, and other challenges. I will work to resolve the systemic challenges presented by self-represented litigants. I am a self-starter, dedicated problem solver, and tireless “work horse.” While managing a large caseload, I strive to adhere to procedural rules, thoroughly review each case, distill the relevant facts and applicable law, and render understandable and reasoned legal decisions. I am patient, perceptive, conscientious, and have developed emotional and interpersonal intelligence, the ability to read others and understand subtle cues, the ability to demonstrate tolerance, sensitivity and compassion, and the ability to exhibit diplomacy and tact in a wide range of situations. The breadth of my experience in criminal, juvenile, special education, mental health, developmental disabilities, guardianship, conservatorship, estate, child abuse and neglect, and family law, and in dispute resolution processes including mediation, arbitration, and hearings, will serve me well as a district court judge. Serving as a district court judge will be the culmination of my career in public service, and provide me with exciting new challenges and opportunities to advance our system of justice by ensuring fair processes and just outcomes.

56. What items or events in your career have distinguished you or of which you are most proud?

I am proud to have specialized in the less “popular” practice areas, particularly law as it applies to children and families at risk, and individuals who are affected by mental illness and other disabilities. I am proud of my efforts to encourage and implement positive policy and system changes in the juvenile delinquency system to improve the lives of youth in our community, while adhering to the principles of restorative justice and community safety. I am proud of my efforts to teach, mentor and encourage law students to be effective advocates and leaders.

57. State any pertinent information reflecting positively or adversely on you that you believe should be disclosed to the Judicial Nomination Commission.

I continue to participate in the Juvenile Detention Alternatives Initiative sponsored by the Annie E. Casey Foundation. I completed specialized training from the National Judicial College in *Managing Challenging Family Law Cases*, the *Sentencing and Management of Sex Offenders*, and *Financial Statements in the Courtroom*, and intend to pursue additional judicial training and education.

58. Is there any comment that you would like to make that might differentiate you from other applicants or that is unique to you that would make you the best district court judge candidate?

I am the most qualified district court judge candidate because I possess judicial experience, diverse legal and work experience, even temperament, intellect, education, character, personal skills, and the work ethic needed to be an excellent, effective district court judge. My background is distinguished by a lifetime of public service. Not only do I have the proven qualifications for the job today, but I have the vision and resilience to work with the job for years to come, devoting my energies to public service and improvement of our system of justice.

I. CERTIFICATE OF APPLICANT

I understand that the submission of this application expresses my willingness to accept appointment as District Court Judge for the 4th Judicial District, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nomination Commission with respect to my application and the Canons of Judicial Ethics, if appointed.

February 17, 2015
(Date)

/s/ B. Leslie Halligan
(Signature of Applicant)

A signed original **and** an electronic copy of your application and writing sample must be submitted by **5:00 p.m. on Thursday, February 19, 2015.**

Mail the signed original to:

**Lois Menzies
Office of Court Administrator
P.O. Box 203005
Helena, MT 59620-3005**

Send the electronic copy to: MTsupremecourt@mt.gov

Application form approved 7/10/93
Revised 9/15/2009

APPLICATION FOR

DISTRICT COURT JUDGESHIP
4th Judicial District

WRITING SAMPLE

by

Leslie Halligan

1 Karen S. Townsend, District Court Judge
2 Leslie Halligan, Standing Master
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7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 IN RE THE PARENTING OF:
9 AAA, BBB, CCC, DDD, EEE, FFF
10 Minor Children,
11 Mother,
12 Petitioner,
13 and
14 Father,
15 Respondent.

Dept. No.
Cause No.

**ORDER AMENDING CUSTODY
AND SUPPORT ORDER**

13 This matter comes before the Court upon a *Motion* filed by Petitioner Mother
14 (hereinafter "Mother") to amend a *Custody and Support Order*, which is opposed by
15 Respondent Father (hereinafter "Father"). Standing Master Leslie Halligan convened
16 an evidentiary hearing at the County Courthouse, with both parties appearing pro se,
17 and providing testimony, witnesses and evidence. At the request of the parties, the
18 Court interviewed the parties' minor children. Upon review of the evidence presented,
19 review of the file, consideration of the statements provided by the minor children and
20 good cause appearing, the Court enters the following:

FINDINGS OF FACT

21 1. In 2011, a *Custody and Support Order* (hereinafter "*Custody Order*") was
22 issued pursuant to the stipulation of the parties, by the First Judicial District Court,
23 Bonner County, Idaho. Doc. 1.

24 2. In the Idaho case, the Magistrate appointed a Guardian ad Litem who
25 provided a report after interviewing the parties, children and other individuals, and after
26 reviewing court and law enforcement records. The *Guardian ad Litem Report* ("*GAL
Report*") was comprehensive and provided to this Court for review. Resp. Exh. K.

27 3. Mother petitioned the Montana Court to register the Custody Order in the
28 Fourth Judicial District Court. District Court Judge Karen S. Townsend conducted a
29 hearing and conferred with the Idaho Magistrate, prior to issuing an order accepting
30 jurisdiction and issuing an order registering the Custody and Support Order as a
Foreign Judgment. Doc. 13.

1 4. The parties married in March 1997, separated in April 2008, and a Decree
2 of Divorce was issued in May 2009. At the time the parties married, Mother was age 17
3 and Father was age 45.

4 5. The parties are the parents of five children: AAA, born 1998; BBB, born
5 1999; CCC, born 2001; DDD, born 2003; and EEE, born 2005.

6 6. After the parties married, Mother and Father disappeared from the local
7 area. Mother claimed that Father promised to build a home on property that he owned,
8 but instead, he forced her to quit her job, relinquish ownership of her vehicles, and
9 spirited her away to southern Utah.

10 7. During the time that the couple was together, the children did not attend
11 public school and Mother did not have resources to home school the children. It was
12 not until AAA was in fifth grade when the Mother finally separated from Father and the
13 children began attending public school.

14 8. Father was suspicious of medical providers and medical treatment,
15 wanted the children born at home, and did not support the children getting regular
16 medical checkups or treatment. However, at least two of the children required medical
17 treatment: AAA required heart surgery at 18 months of age; and EEE experienced
18 several seizures that were believed to have been brought on by fevers. Mother left
19 Father to seek medical assessment and treatment of these conditions, and related that
20 she repeatedly separated from Father when the children were in need of medical care
21 or when she was pregnant to secure access to appropriate medical care.

22 9. Father refuted Mother's assertions with regard to medical care for the
23 family and explained that he respected the medical profession. He also explained that
24 he took EEE to a doctor that he trusted, who administered chiropractic care that
25 resolved a seizure condition.

26 10. Mother also described the marginal and substandard conditions that
27 existed when the family was living in vehicles, other people's homes, and trailers on
28 barren property with no running water or flushable toilets. She estimated having moved
29 approximately 45 times in the 11 years that they were married. Mother asserted that
30 she was isolated from family, verbally abused, physically assaulted, and living in an
environment filled with harassment, manipulation and coercion.

 11. The history of the parties' relationship was chronicled by the Guardian ad
Litem. See *GAL Report*, Resp. Ex K.

 12. The GAL recommended mental health assessments for all of the children,
mental health assessments for both parents, and completion of treatment and
counseling for both parties and the children.

1 13. The *Custody Order* reflects the agreement of the parties and not a factual
2 determination of the Idaho Court, and awards joint legal and joint physical custody of
3 the minor children to Mother and Father, with Mother being granted primary residential
4 custody. The Order also implements the parties' agreed upon custody schedule, which
5 provides Father with physical custody of the five (5) children on an alternating weekend
6 basis from Friday after school until Sunday at 5 p.m., one half of the summer break, with
7 two weeks in each summer month, and alternating custody on major holidays. The
8 order restricted contact between the children and their step-brother.

9 14. The *Custody Order* also requires the parties to obtain psychological
10 evaluations within sixty (60) days and to follow any recommendations.

11 15. The earlier Decree of Divorce included a similar visitation schedule, but
12 the Court added a condition to the later Decree, which stated, "The father's time with the
13 children shall be conditioned upon him having adequate housing for the children's
14 physical safety and emotional well-being." See Doc. 10, Response to Affidavit in
15 Support of Response by Father, Exh. A, Decree, Page 2.

16 16. The *Custody Order* requires Father to contribute monthly child support of
17 \$370 to Mother, with payments due by the 10th of each month, beginning March 2011;
18 payments were to be made to the Department of Health and Welfare, Child Support
19 Division. The order provided graduated reductions in the child support amount until the
20 children attained age 18.

21 17. In the pending Motion, Mother requests modification of the custody order
22 to provide her with sole custody, asserting that Father is incapable of co-parenting the
23 minor children and continues to engage in harassing behaviors. In the supporting
24 Affidavit, Mother maintains that she and the children suffer from Posttraumatic Stress
25 Syndrome, as a result of the physical and emotional abuse of Father, and outlines
26 several examples of the alleged co-parenting issues: Father's unwillingness to consent
27 to school activities, which resulted in AAA having difficulty obtaining a passport to attend
28 (and BBB being unable to attend) a science trip to Alaska; BBB's inability to obtain
29 permission for baptism in her church; Father's harassing requests to the children's
30 school and the teacher organizing the science trip; and inappropriate conversations with
BBB. Mother also claimed that Father did not obtain a psychological evaluation as
ordered by the Court.

 18. Mother has been working and stable in the community area since 2008.
She has worked, and has been given a supervisory position with more responsibilities.
She believes that she has become a stronger, better person, and is better able to
present information to the court.

 19. Mother believes that Father is a danger to the children.

1 20. In compliance with the *Custody Order*, Mother and the children obtained
2 Parenting and Mental Health Evaluations from a licensed mental health provider in
3 2011. Pet. Exh. 6.

4 21. The mental health professional administered a variety of testing
5 instruments, reviewed court records, the *GAL Report* and conducted a clinical interview
6 prior to issuing her written evaluation. The evaluator diagnosed Mother and children
7 with [specific mental health conditions].

8 22. The evaluator reported that AAA had observed many domestic violence
9 incidents, some reported and some not, and that the children had been the focus of
10 child protective service investigations and police reports. As the oldest child, he was
11 subjected to stress and conflict as a result of the numerous separations in his parent's
12 tumultuous marriage. He expressed having a poor relationship with his father and was
13 resistant to forced visits. The evaluator found him to have many personality strengths,
14 but would benefit from developing skills to self-regulate and manage his anger. She
15 recommended that he participate in therapy, be listened to and encouraged, and be
16 allowed continued contact with his father, but not if it interfered with his ability to
17 participate in team activities and feel secure. Pet. Exh. 6.

18 23. Like AAA, BBB has been negatively affected by her parents' separations,
19 episodes of domestic violence, and conflict. She reported feeling anxious, moody and
20 fearful at times about her future. BBB fluctuated between being angry and tearful about
21 visitation with her father.

22 24. Father obtained a psychological evaluation in 2012. This evaluation was
23 not conducted timely, as it was not within sixty (60) days of the date of the Custody
24 Order. Resp. Exh. L.

25 25. In February 2012, Mother indicated that she sought another Order of
26 Protection, she told Father about the order, but he was never served with the
27 documents.

28 26. Father also was involved in a lengthy court proceeding in Washington
29 State, which involved his refusal to divulge the whereabouts of his other son, when state
30 authorities were attempting to investigate the suspicious death of that son's twin
brother, who died while in the care of one of Father's relatives.

 27. Father remained in custody for approximately 11 months, prior to being
released by the Court of Appeals, which held that as a matter of law the father's
incarceration for 11 months had become punitive in nature. See [Case].

 28. Father said that he was justified in denying the court's order and hiding the
child, and would do so again.

1 29. Although Father was a member of the Church of the Latter Day Saints
2 (“Mormon Church”) and participated in several of its more fundamentalist sects, he
3 explained that he later realized that the individuals in the church were fraudulent, liars
4 and hypocrites.

5 30. Although Father had encouraged one of his sisters to join the Mormon
6 Church and acknowledged that her involvement in the church was beneficial to her,
7 Father’s more recent renunciation and separation from the Mormon Church, has
8 influenced his decision to withhold his consent to BBB’s request to be baptized in the
9 Mormon Church. Father also suggested, in addition to his renunciation of the Mormon
10 Church, that BBB was not mature enough to be baptized. According to the current
custody order, both parents must agree to decisions about religion and education.

CONCLUSIONS OF LAW

11 1. The Court has jurisdiction over this cause, the parties and all issues raised in
12 the pleadings filed herein.

13 2. The Findings of Fact that also constitute Conclusions of Law are
14 incorporated in the Conclusions of Law by reference. Likewise, Conclusions of Law that
15 also constitute Findings of Fact are incorporated in the Findings of Fact by reference.

16 3. While it is the job of the District Court to enforce settlement agreements
17 executed by the parties to dissolution, the custody and support of children are never left
18 to contract between the parties. *In re Marriage of Neiss*, 228 Mont. 479, 482, 743 P. 2d
1022, 1024 (1987).

19 4. The Montana Supreme Court, interpreting the provisions of Mont. Code
20 Ann. § 40-4-201(2), has held that “parties cannot make binding agreements, oral or
21 written, as to the support custody or visitation of children. The best interests of the
22 children are paramount.” *In re Marriage of Mager*, 241 Mont. 78, 80-81, 785 P.2d 198,
200 (1990). As applied to the facts of this case, the parties had entered into a
23 stipulation with regard to parenting that was approved by the Idaho Court. However,
24 conflicts have occurred such that some of the provisions contained in the stipulation are
25 no longer in the best interests of the children. The Court is entrusted with determining
26 the best interests of the children in decisions that involve “the support, parenting, and
parental contact with children.” Mont. Code Ann. § 40-4-201(2).

27 5. The Montana Supreme Court has reasoned that the jurisdictional
28 prerequisites of Mont. Code Ann. § 40-4-219 must be satisfied when a motion or petition
29 to modify child custody provisions have the effect of substantially changing the primary
30 residence of the parties’ children, even though the formal designation of joint custody is
retained. *Marriage of Johnson*, 266 Mont. 158, 166, 879 P.2d 689, 694 (1994). Any
effort to modify the physical custody arrangements in a decree which provided joint

1 custody, which does not seek a substantial change in the children's primary residence,
2 may be considered by the district court according to the best interest standard set forth
3 in Mont. Code Ann. § 40-4-212. *Id.*; see also, *Marriage of Oehlke*, 309 Mont. 254, ¶
4 17, 46 P.3d 49, ¶ 17 (2002).

5 6. Here, a change has occurred in the circumstances of the children and
6 amendments are necessary to serve the best interests of the children. Mont. Code
7 Ann. § 40-4-219(1). Specifically, a change in circumstances has occurred because
8 AAA and BBB, now ages 16 and 14, respectively, have expressed a desire to change
9 the parenting plan and amendment is necessary to serve the best interests of these
10 children. Mont. Code Ann. § 40-4-219(1)(c).

11 7. Additionally, all of the children, as outlined in their psychological
12 evaluations, have been exposed to neglect, physical abuse/neglect and/or
13 psychological abuse/neglect, such that it is in the best interests of the children to include
14 protections in the parenting plan to address their physical and emotional needs, and to
15 ensure their safety. Mont. Code Ann. § 40-4-212.

16 8. The best interests of the children must be considered in determining a
17 final amended parenting plan. After considering all relevant parenting factors, as set
18 forth in Montana Code Annotated § 40-4-212, the Court concludes as follows:

19 (a) the wishes of the child's parent or parents: Father seeks to have the existing
20 custody order enforced, allowing him to have contact with the children on alternating
21 weekends. Mother seeks to become the sole custodian, allowing Father no contact with
22 the children.

23 (b) the wishes of the children: AAA does not want any contact with his Father.
24 BBB does not want to have contact with her Father, but expressed concern that if her
25 younger siblings have contact, she will want the visitation supervised to ensure they are
26 safe in Father's care. BBB also expressed her frustration with Father's efforts to restrict
27 her ability to be baptized in her church and his unwillingness to allow her to participate
28 in school activities, in particular the school's summer science trip. The younger
29 children, all of whom were too young to recognize or comprehend the neglect or abuse
30 that the family endured and who expressed difficulties in the relationship that they have
with their Stepfather, want to have contact with their Father.

(c) the interaction and interrelationship of the child with the child's parent or
parents and with any other person who significantly affects the child's best interest: The
children are primarily attached to their Mother and understand that she works hard to
provide for the family. The children have significant contact with their Stepfather, but do
not feel supported emotionally and find his parenting behaviors strict and unsupportive.
The relationship between Father and Stepfather is volatile, with both parties expressing

1 concerns about threats of harm. On one occasion, Stepfather was cited and pleaded
2 guilty to a misdemeanor assault charge as a result of a confrontation between the two
3 men. The children know Father's sister and she provided positive support and concern
4 for the children during the parties' marriage and some visitations. The children know of
5 their other paternal relatives, but do not have significant relationships with them. The
6 children also have some contact and have developed relationships with their maternal
7 relatives.

7 (d) [Discussion of remaining factors omitted.]

8 9. The Court concludes that it is appropriate for the three youngest children
9 to have supervised visitation with their Father, implemented according to a gradually
10 increasing schedule. While the younger children have requested visitation and may
11 believe that more visitation would be appropriate, visitation must be implemented
12 carefully to ensure that increased conflict does not negate the positive benefits of the
13 visitation and to ensure that the children are protected. Given the history of neglect and
14 abuse that occurred while the parties were together, and given the ages of the children,
15 their inability to protect themselves, and their lack of reasoning or insight, visitation
16 between the children and Father should be supervised for as long as appropriate, as
17 determined by Mother, after consultation with the children's counselors. Additionally,
18 Father's visitation should be conditioned on his strict compliance with the court's order,
19 and his ability to provide a safe physical and emotional environment in which to care for
20 the children. Given the ages of AAA and BBB, their exposure to parental conflict and to
21 the physical and emotional neglect that resulted in their posttraumatic stress disorders,
22 and their expressed wishes, contact with Father would be detrimental to their best
23 interests. Therefore, the Court will not require AAA and BBB to participate in scheduled
24 visitation, but will allow supervised visitation if determined appropriate by Mother.

25 10. Unless the parties agree otherwise in writing, the custodial parent may
26 determine the child's upbringing, including the child's education, health care and
27 religious training. Mont. Code Ann. § 40-4-218; see *In re Marriage of Gersovitz*, 238
28 Mont. 506, 779 P.2d 883 (Mont. 1989). Here, the parties entered into a stipulation with
29 regard to parenting, which was ordered by the court without the benefit of the children's
30 psychological evaluations. Taking into consideration these evaluations, the provisions
in the stipulation that require joint decisions about education and religious training for
the children are not in the children's best interests. Additionally, since issuance of the
order, disagreements have arisen as to the children's education and religious training,
and the inability of the parties to mutually resolve these decisions has been detrimental
to the welfare of the children. Therefore, it is appropriate that the Court modify the

1 existing parenting plan to provide Mother, the custodial parent, authority to make
2 educational, religious and health care decisions.

3 11. The parent who has the children in their custody at any particular time
4 shall provide them with (a) regular and nutritious food, (b) clean and appropriate
5 clothing, (c) sanitary and reasonable private living and sleeping quarters, (d) appropriate
6 medical examinations and treatment, (e) appropriate parental guidance; (f) encourage
7 the children to respect their teachers and the law, and (g) require the children to attend
8 all regular sessions of school until graduation.

9 12. Supervised visitation shall occur between the children and Father at his
10 home or at another agreed-upon location, but within the State of Montana. Prior to the
11 start of the visitation schedule, the children should have one eight (8) hour visit to
12 reintroduce themselves to their Father. Thereafter, visitations should occur on the third
13 full weekend of each month. For at least the first four months, the children shall be
14 permitted overnight visitation for only one night. After these visits have been
15 successful, as evaluated by Mother, the visitation may include two overnight visits
16 during the third weekend period. The parties shall exchange the children in an agreed
17 upon public location.

18 13. Given the history of Father's contempt of Court as a result of hiding
19 another child from authorities, Father shall not remove the children from the State of
20 Montana and shall allow the children daily contact with Mother while the children are in
21 his care. Any failure by Father to abide by the specific provisions of this Order may
22 result in further restrictions on his visitation with the children.

23 **ORDER**

24 Based on the foregoing Findings of Fact, Conclusions of Law,
25 IT IS HEREBY ORDERED:

26 1. The *Custody and Support Order* issued by the First Judicial District Court
27 of Idaho is amended as provided in this Order and as set forth in the attached *Parenting*
28 *Plan*, effective immediately.

29 2. The parties shall abide by the attached *Parenting Plan*, which incorporates
30 the previously determined child support and medical support order, until further order of
the Court.

3. Father shall have supervised visitation with the children in accordance
with this Order and shall not remove the children from the State of Montana, unless he
has requested and been granted such authority by separate order.

DATED this X day of December, 2014.

/s/ Leslie Halligan
LESLIE HALLIGAN, STANDING MASTER